

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
François COTTARD et al.)	Group Art Unit: 1796
)	
Application No.: 10/728,954)	Examiner: Eisa B. Elhilo
)	
Filed: December 8, 2003)	
)	
Notice of Allowance: April 15, 2008)	Confirmation No.: 9017
)	
For: COMPOSITION FOR THE)	
OXIDATION DYEING OF)	
KERATIN FIBERS, COMPRISING)	
AT LEAST ONE OXIDATION DYE,)	
AT LEAST ONE ASSOCIATIVE)	
POLYMER, AND AT LEAST ONE)	
AMINOSILICONE)	

BOX ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Applicants respectfully acknowledge the Notice of Allowability and Statement of Reasons for Allowance dated April 15, 2008, which states that the claims "are allowed for the same reasons mentioned in the previous office action that [was] mailed on December 13, 2007." Apr. 15, 2008, Statement for Reasons for Allowance at 3. Thus, without withdrawing the claims from issue, Applicants submit these comments to clarify the Examiner's Statement of Reasons for Allowance attached to the previous Notice of Allowability dated December 13, 2007.

The Examiner states that the comparative data submitted in the Declaration filed November 30, 2007, "is sufficient to rebut any case of *prima facie* obviousness of the claimed combination of ingredients . . ." Dec. 13, 2007, Notice of Allowability at 2. Applicants note for the record that Applicants' position is that the Declaration demonstrates that a *prima facie* case of obviousness was never established.

In addition, Applicants wish to clarify that "the claimed subject matter as a whole that would not have been obvious," referred to by the Examiner, includes the claimed composition, ready-to-use composition, process, and multicompartment kit.

Please grant any extensions of time required to enter these comments and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 10, 2008

By: 

Aaron M. Raphael
Reg. No. 47,885